



**City of Cayce  
South Carolina**

**APPROVED MINUTES  
PLANNING COMMISSION  
Monday, April 21, 2014  
6:30 p.m.**

**I. CALL TO ORDER**

Chair Ed Fuson called the meeting to order at 7:38 p.m. Members present were Butch Kelly, Chris Kueny, Larry Mitchell, Robert Power, John Raley and Butch Broehm. Staff present was Shaun Greenwood, Michelle Paulchel, and Monique Ocean.

**II. APPROVAL OF MINUTES**

Mr. Mitchell made a motion to approve the minutes from the March 17, 2014, meeting. Mr. Raley seconded the motion. The vote passed unanimously.

**III. STATEMENT OF NOTIFICATION**

Chair Ed Fuson asked if the public and media had been duly notified of the meeting. Michelle Paulchel stated everyone had been notified.

**IV. OPEN PUBLIC HEARING – MA001-14 and MA002-14**

Mr. Fuson began by asking those wishing to speak on the matter to please state their name and address and to be concise. Mr. Fuson explained that the Planning Commission will listen and take note of all comments. Mr. Fuson also asked everyone present to refrain from comments and discussion unless the person at the podium asks for input.

Mr. Fuson opened the public hearing- Map Amendment 001-14 (a request for zoning change from C-2 to RG-2 for TMS 004652-08-001 and TMS 004652-08-002) and MA002-14 (a request for zoning change from C-2 to RG-2 for TMS 004652-08-003).

Mr. Greenwood stated that a correction should be made to the agenda to reflect that the original zoning of the subject properties should read C-3 and not C-2.

#### **a. Opening Statement**

Mr. Charles Thompson introduced himself as a representative for Newington Associates and Indigo Associates, owners of the subject properties. Mr. Thompson stated that they have two requests to change the zoning from C-3 to RG-2. Mr. Thompson explained that the property is currently zoned C-3, which allows for a variety of uses and unlimited height of a structure. Mr. Thompson mentioned that he believed a number of people present had concerns regarding the height and other elements of the proposed structures. Mr. Thompson stated that he welcomes comments from the public and would be delighted to address each one at the appropriate time. Mr. Thompson acknowledged that the rezoning would be considered a down-zoning (meaning the proposed residential use is less intensive than the existing commercial designation.) Mr. Thompson introduced the developer and the architect of the proposed project, Hunter Gibson and Steve Barton. Mr. Fuson asked the audience if everyone there had been present for the Board of Zoning Appeals (BOZA) meeting prior to the Planning Commission meeting. The general consensus was yes. Mr. Thompson indicated that an issue, from the public, at the BOZA meeting was opposition to any form of access to the proposed project through Deliesseline Road. Mr. Thompson pointed out that he would like to clarify that the owners are willing to commit to the notion that commercial vehicles and residents of the proposed multi family unit will not have access through Deliesseline Road. Mr. Thompson further explained that the only access will be for City maintenance vehicles and Public Safety or emergency situations.

#### **b. Public Testimony**

Mr. Buddy Montgomery of 130 Deliesseline Road spoke in opposition to the re-zoning. He stated that he feels everyone will allege it is an emergency in order to access Deliesseline Road. Mr. Montgomery asked for assurance that commercial vehicles and residents of the proposed project would not have access through Deliesseline Road. Mr. Thompson confirmed that he assures there will be no access to the proposed unit through Deliesseline Road.

Mr. Perry Robinson of 150 Deliesseline Road stated that he signed in to speak in regards to the access through Deliesseline Road. He mentioned that he has met with Mr. Thompson and is happy with the resolve that there

will be no access through Deliesseline Road. Mr. Robinson pointed out that everyone on Deliesseline Road owns his/her fence in the backyard. He inquired if there will be some type of wall that would appeal to the multi-family units and to protect the homeowners land.

Mr. Kelly interjected asking staff for the buffer yard and setback requirements and how the buffer yard requirements would affect the homeowners existing fencing. Mr. Greenwood gave details on the buffer yard requirements and setback distances listed in the Zoning Ordinance. Mr. Greenwood explained that the developers will not touch what is not on the subject property. Mr. Thompson clarified that he intends to meet all City buffering requirements and will choose one of the options listed in the Ordinance. He added that the developer will have no authority to remove the fences of the homeowners.

Mr. John Cook of 124 Deliesseline Road came forward to ask about the triangle shaped portion close to the river and if access to the Riverwalk would be stopped after development on the proposed project. Mr. Greenwood described the area and explained that it will be presented for rezoning at the next PC meeting. Mr. Thompson explained that, at this time, he cannot commit to what level of public access will be available to the Riverwalk. Mr. Thompson stated that the plan would be to connect to the Riverwalk and he will work with the City on ideas on how to continue access.

Mr. Montgomery of 130 Deliesseline Road came forward to state he owns rental property; he does not believe rental property adds to the value of homes and he is concerned his property value will decrease if the proposed development is completed.

Mr. Perry Robinson of 150 Deliesseline Road gave details that he was able save \$50,000 on the purchase of his home because of the existing hotel and he hopes this project will increase the value of his home.

Mr. Fuson asked the applicant how invasive the proposed housing will be to the adjacent homeowners and if someone could see into a back window. Mr. Barton explained that, with angle of sight, buffer yard plantings, and fencing, he thinks the privacy of the homeowners would be protected.

### **c. Close the Public Hearing.**

Mr. Fuson closed the public hearing and discussion on the matter followed.

Mr. Kelly asked for staff's opinion if this rezoning would be the best use of the subject property. Mr. Greenwood explained that he was not able to answer that question but that rezoning would be a less intensive zoning and the current zoning allows a structure of unlimited height. Mr. Greenwood

mentioned that a multi family structure would create less daily traffic than a commercial development and the use would satisfy the Land Use Plan adopted by Council. Mr. Greenwood explained it would also serve as good use for economic development. Mr. Kelly inquired if the recommendation for the rezoning request could be granted or denied based on the orientation of the building and the location of the parking lot depicted in the rendering. Mr. Greenwood replied that the PC could not deny recommendation for approval of the rezoning based solely on the site plan. Mr. Greenwood made clear that recommendation could only be denied if it was an unacceptable use of the property; to deny the rezoning because of the site plan would be considered contract zoning, which is illegal. Mr. Kelly further inquired if the regulations of the Overlay District could be used to assure the building is orientated as shown on the renderings. Mr. Greenwood explained that regulations of the Overlay district do not regulate such matters. Mr. Kelly mentioned that he would hate to see the parking lot moved to the front and the buildings pushed back. Mr. Fuson questioned the developer, as a side note, if the buildings would be constructed as they are shown on the site plan. Mr. Thompson confirmed that the orientation on the site plan is the only option currently being considered and that the intent is to build all buildings as they are shown.

#### **V. MOTION – MA001-14**

A motion was made by Mr. Kueny to recommend that Council approve the rezoning request for MA001-14. Mr. Raley seconded the motion. The vote passed unanimously

#### **VI. MOTION-MA002-14**

A motion was made by Mr. Broehm to recommend City Council approve the rezoning request for MA002-14. Mr. Kueny seconded the motion. All were in favor.

#### **VIII. OTHER BUSINESS**

No other business

#### **IX ADJOURNMENT**

A motion was made by Mr. Mitchell to adjourn. Mr. Raley seconded it. All were in favor.